

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRETT GOLDBERG,

Plaintiff,

-v-

PACE UNIVERSITY,

Defendant.

20 Civ. 3665 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

Today the Court held an initial pretrial conference at which, *inter alia*, the Court raised questions about plaintiff's basis for claiming an amount in controversy above \$75,000 so as to support diversity jurisdiction and about defendant's pending motion for dismissal under Rule 12(c). The Court determined to give plaintiff an opportunity, for the second time, to amend his complaint, to address these matters. Plaintiff's counsel indicated that plaintiff intends to do so. This will be plaintiff's final opportunity to amend the complaint. Further leave to amend will not be granted.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by September 14, 2020. If, as anticipated, plaintiff does amend, defendant, by September 28, 2020, shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that it relies on the previously filed motion to dismiss. If defendant files a new motion to dismiss or relies on its previous motion, plaintiff's opposition will be due October 13, 2020. Defendant's reply will be due October 20, 2020.

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by October 13, 2020. Defendant's reply, if any, shall be

served by October 20, 2020. At the time any reply is served, the moving party shall supply the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

The Court will determine, after receipt of plaintiff's anticipated brief opposing a motion to dismiss the current or amended complaint, whether to schedule oral argument. Discovery is stayed pending resolution of defendant's motion to dismiss.

SO ORDERED.

A handwritten signature in blue ink that reads "Paul A. Engelmayer". The signature is written in a cursive, flowing style.

PAUL A. ENGELMAYER
United States District Judge

Dated: September 8, 2020
New York, New York